

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
P.O. Box 45029
Newark, New Jersey 07101

By: Tara Adams Ragone
Deputy Attorney General
(973) 648-7093

FILED

OCTOBER 3, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

FLAVIUS M. THOMPSON, M.D.
License No. MA46830

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon notification that Flavius M. Thompson, M.D. (hereinafter "Respondent") had been charged with certain Third and Fourth Degree criminal offenses arising from conditions allegedly existent at his medical practice located in Lakewood, New Jersey. The Attorney General Peter Harvey by Deputy Attorney General Tara Adams Ragone filed with the Board an Order to Show Cause, Notice of Hearing, Verified Complaint, and supporting documents on January 26, 2005 and a Letter Brief on January 28, 2005. Within the Verified Complaint Respondent was charged, inter alia, with maintaining his medical office in a dangerous manner by improper disposal of

CERTIFIED TRUE COPY

medical waste and with failure to comply with certain provisions of the Board's In-office Anesthesia regulations, N.J.A.C. 13:35-4A.1 et seq. Although Respondent to date has not filed with the Board an Answer to the Verified Complaint, through counsel he has denied the charges.

On January 26, 2005, the Board President executed the Order to Show Cause requiring Respondent to demonstrate why the Respondent's license should not be temporarily suspended pursuant to N.J.S.A. 45:1-22 pending a plenary hearing on the charges in the Verified Complaint. On or about January 24, 2005, the parties entered into an Interim Consent Order pursuant to which Respondent agreed to cease and desist from the practice of medicine at any location within the State of New Jersey pending the outcome of a temporary suspension hearing before the Board on February 9, 2005. On or about February 10, 2005, the parties entered into a Second Interim Consent Order pursuant to which, inter alia, the Board granted Respondent leave immediately to surrender his license to practice medicine and surgery in the State of New Jersey at least until the resolution of all criminal charges pending against him and further Order of the Board. Said surrender was deemed a temporary suspension of Respondent's license.

Respondent now has resolved the criminal charges pending against him through entry into Pre-Trial Intervention in Ocean County, New Jersey.

The parties being desirous of resolving this matter without the necessity of further proceedings, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, and it further appearing that the Board finds that the within Order is adequately protective of the public health, safety, and welfare,

IT IS on this 28 day of Sept, 2005

HEREBY ORDERED AND AGREED THAT:

1. The license of Respondent, Flavius M. Thompson, M.D., to practice medicine and surgery in this State is hereby suspended for a period of two (2) years retroactive to January 24, 2005 when the first Interim Consent Order was filed in this matter. The period between January 24, 2005 and the filing of this Final Consent Order shall constitute the active portion of Respondent's suspension. The remaining period of the suspension shall be stayed and served as a period of probation pursuant to the terms of this Order.
2. During the stayed portion of Respondent's suspension ("the term of probation") and until further Order of the Board, Respondent agrees to the total restriction of his license to a hospital setting, subject to prior Board approval, to include supervision by a Board-approved monitor at Respondent's sole expense.
3. The Board hereby approves Eric G. Lehnese, M.D., F.A.C.O.G., Chairperson of the Department of Obstetrics and Gynecology at Kimball Medical Center, to serve as Respondent's monitor, as discussed in paragraph 2 supra. Respondent's hospital practice is subject to random review by said monitor of patient records, charts, or any other information in regard to his practice and treatment of patients. Respondent is required to make such records available to Dr. Lehnese not less than once per month. The signature of Dr. Lehnese on a fully executed copy of this Consent Order indicates his agreement to perform the following monitoring functions:

- a. The monitor shall advise the Board as to the nature and quality of Respondent's practice on a quarterly basis throughout the term of probation and until further Order of the Board.
 - b. The monitor agrees to advise the Board immediately in the event of any perceived deviation from the accepted standards of obstetrical and gynecological practice, failure to prepare or maintain proper patient records, bad outcomes, or other untoward events in Respondent's practice of medicine and surgery at any time throughout the term of probation and until further Order of the Board.
 - c. All reports required hereunder shall be provided in writing to the Board through the Board's Medical Director, Dr. Joseph Gluck at the following address: State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.
4. Respondent shall take and successfully complete, at his own expense, a course in ethics and a course in infectious disease control, each of which courses has been approved in advance by the Board. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and passing grades were achieved that were unconditional and without reservations. Respondent shall submit to the Board verification of the successful completion of said courses within twelve (12) months of entry of this Order.
5. Respondent shall pay investigative costs in the amount of \$5,028.49; attorney's fees in the amount of \$17,373.50; and a civil penalty in the amount of \$20,000.00, for a

total of \$42,401.99. Said total amount shall be paid over a period of twenty-four (24) months at the current Court Rule rate of one percent (1%) annual interest. Payment shall be made in the form of monthly installments of \$1,785.21 per month for a total of twenty-four (24) consecutive months or until paid in full, whichever comes first, which monthly installments shall be due by the 15th day of each month, commencing thirty (30) days after the entry of this Order and continuing until the balance is paid in full. All payments shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the attention of the Executive Director of the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183. The Board reserves the right to file a certificate of debt for the full amount of costs and penalties outstanding when the Order is entered by the Board. Failure to make timely payments shall be considered a violation of this Order, shall result in acceleration of the balance of debt, and shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e), thereby subjecting Respondent to any and all remedies available to the Board pursuant to N.J.S.A. 45:1-21 and 22.

6. The license restrictions set forth in paragraphs two (2) and three (3) supra shall be in effect pending further Board order. At the completion of the term of probation, Respondent hereby is granted leave to make an application to the Board for relief from said restrictions. Any grant of relief from said restrictions will be contingent upon Respondent appearing before a Committee of the Board at which time the Board will determine whether any future restrictions are appropriate.

- a. In connection with such application for relief from the license restrictions, Respondent will be expected to discuss his readiness to resume the practice of medicine absent the restrictions and to advise the Board of the steps he has undertaken to ensure the safety and regulatory compliance of his medical practice including, but not limited to, his arrangements for the proper disposal of regulated medical waste and his compliance with the Board's In-office Anesthesia regulations, N.J.A.C. 13:35-4A.1 et seq., and the Board's Termination of Pregnancy regulation, N.J.A.C. 13:35-4.2.
 - b. In connection with such application for relief from the license restrictions, Respondent will be required to submit proof of his compliance with this Order including, but not limited to, proof of his completion and unconditional passing grades in the two (2) remedial courses referenced in Paragraph four (4) supra.
 - c. Only if the Board is fully satisfied that Respondent may safely practice medicine and surgery pursuant to Respondent's plan for the resumption of private practice will he be relieved of the license restrictions.
7. Respondent shall comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or Whose Surrender of Licensure Has Been Accepted," which Directives are incorporated herein by reference..

STATE BOARD OF MEDICAL EXAMINERS



Bernard Robins, M.D., F.A.C.P., President

I have read and understood the
foregoing Order and agree to
be bound by its terms.

Flavius M. Thompson
Flavius M. Thompson, M.D.

Sept-14-05
Date

Consented to as to form.

Robert L. Tarver Jr.
Robert L. Tarver Jr., Esq.

9/14/05
Date

I consent to undertake
the monitoring required herein:

Eric G. Lehnes
Eric G. Lehnes, M.D.

9/14/05
Date